

# **COALITION PROVISIONAL AUTHORITY ORDER NUMBER 16 (REVISED)**

## **TEMPORARY CONTROL OF IRAQI BORDERS, PORTS AND AIRPORTS**

*Pursuant* to my authority as Administrator of the Coalition Provisional Authority (CPA) and under the laws and usages of war, and consistent with relevant U.N. Security Council Resolutions, including Resolution 1483 (2003) and Resolution 1511 (2003),

*Recognizing* that it is desirable as soon as, possible to restore the normal transit and movement of people to and from Iraq,

*Acknowledging* that the Iraqi laws on immigration, customs and quarantine should remain in place unless exceptions prove necessary for security reasons or otherwise to accomplish the obligations of the CPA under the laws and usages of war,

*Recognizing* that effective export and border controls are essential to prevent the proliferation of weapons of mass destruction, their delivery systems, advanced conventional weapons and related technologies,

*Noting* that the current security situation in Iraq does not permit the unrestricted resumption of normal transit and movement,

I hereby promulgate the following:

### **Section 1 Definitions**

- 1) "*Authorized officer*" means any Coalition personnel or Iraqi official designated by the CPA to perform border control, customs, immigration, consular or quarantine services.
- 2) "*Coalition personnel*" means all non-Iraqi military and civilian personnel under the authority of the Coalition Forces Commander, as well as all non-Iraqi military and civilian personnel assigned to, or under the direction or control of, the Administrator of the CPA.
- 3) "*Designated travel permit issuing authority*" means (a) Ministry of Interior offices and, if any, Ministry of Foreign Affairs offices designated by the Interim Minister of Interior or Deputy Interim Minister of Interior to issue interim travel documents and to extend Iraqi passports; (b) any Iraqi mission located outside Iraq designated by the Interim Minister of Foreign Affairs or the Director of Consular Affairs to issue interim travel documents and to extend Iraqi passports in addition to issuing diplomatic and official passports.

- 4) "*Goods*" means any commodity, substance, organism, article, document, data or thing, whether manufactured or natural, including any Controlled Item, that may be moved across the borders of Iraq. "Goods" does not include human bodies, cadavers or human remains.
- 5) "*Member of a crew*" means a person, including a master, who is employed on a vehicle to perform duties during a voyage or trip related to the operation of the vehicle or the provision of services to passengers.
- 6) "*Controlled Item*" means any item contained in the control lists of the Missile Technology Control Regime, the Australia Group, the Nuclear Suppliers Group, the Zangger Committee or the Wassenaar Arrangement or any other documents, systems, components, materials, software or technology that may be intended to contribute to the acquisition, manufacture, development, research or transfer of Weapons of Mass Destruction, their delivery systems or advanced conventional military systems. "Technology" includes information necessary for the design, development, production, or use of a controlled commodity or software.
- 7) "*Terrorism*" means the use or threatened use of unlawful violence against civilians, noncombatants, or other innocents, calculated to cause fear or to coerce or intimidate governments or societies, and motivated by political, religious, or ideological goals.
- 8) "*Terrorist organization*" means an organization whose objective is to support or commit acts of terrorism, directly or indirectly, physically or financially.
- 9) "*Transportation company*" is any corporation, enterprise or other entity transporting persons to Iraq.
- 10) "*Travel documents*" means documents required by the CPA for entry into and exit from Iraq. These may include: a) an Iraqi passport valid on its face or which has had its validity extended consistent with this Order, b) a CPA Interim Travel Document (ITD), c) a document or documents proving Iraqi nationality (including an Iraqi Nationality Card) for return to Iraq, d) a travel permit issued by an authorized officer as defined by this Order, or e) a document issued by a foreign government or an international organization, such as the United Nations High Commission for Refugees or the International Committee of the Red Cross identifying the person as a refugee from Iraq.
- 11) "*Travel permit*" means a permit to enter Iraq issued pursuant to Section 5 of this Order.
- 12) "*Vehicle*" means any conveyance that may be used for transportation by land, water or air.

- 13) *"Weapons of Mass Destruction"* means nuclear, biological, or chemical weapons.

## **Section 2**

### **Preservation of Laws**

- 1) All Iraqi laws regarding immigration, emigration, customs and quarantine shall remain in force unless specifically suspended by this Order.
- 2) Wherever a stipulation or provision of this Order or any other CPA Regulation, Order or Memorandum conflicts with a current provision of Iraqi immigration, emigration, customs and quarantine laws, the stipulation or provision contained in such Regulation, Order or Memorandum shall prevail.
- 3) The edict of the former President Saddam Hussein regarding the expiration of "N" series passports issued during the years 1996 to 2002, fixing their expiration in the year 2003, is hereby suspended. All "N" and "M" series passports will continue in effect for their statutory duration.
- 4) All Iraqi passports that have expired since June 27, 1999, or will expire before January 1, 2004 for the exclusive purpose of direct return travel to Iraq, will be deemed valid until December 31, 2003, with such travel to be completed by December 31, 2003. Such a passport will not be considered valid for any other purpose.
- 5) All Iraqi passports in the "N" and "M" series may be extended by any designated travel permit issuing authority. Passports presented to a designated travel permit issuing authority for extension on or before their original expiration date or within the two months immediately following their original expiration date may be extended for a period of 4 years. Passports presented to a designated travel permit issuing authority for extension after the two months following their original expiration date may be extended for a period of 2 years. Any passport purporting to have been issued after March 19, 2003 that does not bear a CPA/Ministry of Foreign Affairs stamp and/or a CPA/Ministry of Interior stamp, as appropriate, is invalid. Any Iraqi passport valid under this Order may be amended by any authorized officer at an Iraqi mission overseas to register a child born on or after January 1, 2001, on the passport of a parent, guardian, or legal trustee, in accordance with established Iraqi law and procedures.
- 6) Consistent with Section 2 of CPA Order No. 26 (CPA/ORD/24 August 2003/26), the Ministry of Foreign Affairs has the authority to grant, issue, renew, extend or amend diplomatic and service passports in accordance with established procedures and for the purpose of facilitating official travel of Iraqi officials. As of January 1, 2004, all diplomatic and service passports that do not have a CPA/Ministry of Foreign Affairs stamp either to reflect issuance, renewal, extension or validation, are declared invalid

for travel except for direct return travel to Iraq. Such passports may be confiscated by any authorized officer or any authorized representative of the Ministry of Foreign Affairs.

### **Section 3 Right to Exit**

- 1) Subject to compliance with Iraqi law and with border control procedures established from time to time by the CPA, all persons may exit from Iraq, provided they are in possession of travel documents and are not subject to any travel restrictions under applicable law including this Order.
- 2) The following persons shall require special clearance to exit Iraq and may be prevented from exiting at the discretion of the Ministry of the Interior:
  - a) Senior regime or military leadership and Senior Party Members or office holders of the Baath Party, as described in CPA/ORD/16 May 2003/01;
  - b) Persons suspected of having committed serious crimes;
  - c) Persons who are known or are suspected to have links to a terrorist organization or who are suspected to have committed or to have provided financial, material, or technological support for acts of terrorism; and
  - d) Persons suspected of being involved or attempting to be involved with the acquisition, manufacture, development, research, or transfer of technology or material related to Weapons of Mass Destruction or their delivery systems; or having knowledge of the location of Weapons of Mass Destruction or their delivery systems, or the identity of persons with such knowledge.

### **Section 4 Examinations for Entry**

- 1) Subject to the present Order, a person seeking entry to Iraq shall appear before an authorized officer at a port of entry, border control station or at such other place as may be designated by the Ministry of the Interior for examination to determine whether the person may be granted entry to Iraq.
- 2) A person appearing for examination shall answer truthfully all questions put to that person and shall produce such documentation as may be required for the purpose of establishing whether the person may be granted entry.
- 3) A person may be detained for further examination upon entry and/or pending arrangements for his or her removal.

## **Section 5**

### **Permits to Enter Iraq**

- 1) Persons seeking entry to Iraq are to be classified as either persons who require permits granting entry into Iraq (hereinafter "permits") or persons who do not require such permits. All persons who are not listed in Sections 5(2) or 5(3) of this Order require permits. Authorized officers shall issue permits valid for up to 90 days, in accordance with this Order and with applicable law.
- 2) Persons not requiring permits to enter Iraq are all those persons not otherwise denied permits under this Order who are a) citizens of Iraq or persons who were born in Iraq, b) Coalition personnel, c) United Nations officials or any official of any other UN organization, and d) documented members of seagoing ships' companies during the stay of a ship in Iraqi waters, or e) documented members of airship companies during the stay of the aircraft in Iraqi territory. Persons requiring permits are all persons who are not listed in this Section 5.2.
- 3) Persons seeking entry into Iraq for tourism purposes require only those documents directed in writing by the CPA for such limited-duration visits.
- 4) Permits may be obtained and issued from any Iraqi missions or embassies that have reopened, and from CPA offices established for this purpose within Iraq and at authorized ports of entry.

## **Section 6**

### **Powers of an Authorized Officer**

- 1) An authorized officer who receives an application for a permit shall either approve or refuse the application, and shall notify the applicant of the decision. At any time after an application for a permit is approved, the authorized officer may:
  - a) Alter or revoke any terms and conditions subject to which the person was granted entry;
  - b) Add terms and conditions as prescribed by the present Order and other CPA Regulations, Orders or Memoranda; and/or
  - c) Extend the permit.

- 2) Subject to the present Order, a visitor seeking an extension of a permit shall appear before an authorized officer at such place as may be designated by the Ministry of the Interior for examination to determine whether the visitor may be granted an extension of a permit.
- 3) A visitor appearing for examination shall answer truthfully all questions put to that visitor and shall produce such documentation as may be required for the purpose of establishing whether the visitor may be granted an extension of a permit.

## **Section 7**

### **Persons Who May be Denied Entry to Iraq**

- 1) An authorized officer who receives an application for a permit may refuse the application if the authorized officer has reasonable grounds to believe that the applicant:
  - a) knowingly provided any false, misleading, or inaccurate information in the course of the application process;
  - b) is suffering from any serious communicable disease, or is suffering from any disorder, disability or other health impairment for which commercial health services are not readily available in Iraq;
  - c) will be unable or unwilling to support herself or himself, and those persons who are dependent on the applicant;
  - d) is or was a member of a criminal organization;
  - e) will commit offenses, or engage in criminal activity planned and organized by persons acting in concert with or in furtherance of the commission of any offense;
  - f) will engage in or has engaged in an act of terrorism, or is a member of a terrorist organization or an organization that there are reasonable grounds to believe will:
    - i) engage in acts which are offensive to the principles of democratic government, institutions or processes in Iraq; or
    - ii) engage in or instigate the removal by force of any government;
  - g) will engage in acts of violence that may endanger the lives or safety of persons in Iraq, or who is a member of an organization that engages in such acts;
  - h) has been involved or attempted to be involved with the acquisition, manufacture, development, research or transfer of technology or material related to Weapons of

Mass Destruction, their delivery systems, or advanced conventional military systems, including dual use items;

- i) has committed acts or omissions that constituted a war crime or a crime against humanity; or
  - j) has previously been deported from, or denied entry to, Iraq by the CPA, or an international territory with border control formalities.
- 2) In the case of a person is in possession of a valid travel document, or who can otherwise establish Iraqi nationality, his or her entry into Iraq shall not be denied; however, if security or military necessity requires, such a person may be detained upon entry into Iraq;
- 3) A person denied entry under this Order may appeal to the Ministry of the Interior for a review of the case. The determination of the Ministry of the Interior will be final.

### **Section 8 Notice to Depart**

- 1) Where an authorized officer, upon examination of a person, is of the opinion that it would be contrary to the present Order to grant entry to the person, or to extend the permit of a person, the authorized officer may, as appropriate:
- a) allow that person to leave Iraq immediately; and/or
  - b) serve that person with a Notice to Depart (hereinafter "Notice") within a specified period.
- 2) A Notice must specify:
- a) that the person must depart Iraq within a specified period;
  - b) the reasons why the Notice is being served;
  - c) that the person may object to the Notice in writing to the Ministry of the Interior within a specified time, or give reasons why the Notice should not remain in force; and
  - d) that timely compliance will not have adverse consequences for the return of a person who otherwise complies with entry requirements.
- 3) Where the Ministry of the Interior receives written objections from a person under this Order, the Ministry of the Interior shall:

- a) consider such written objections promptly;
- b) promptly determine the fair and lawful resolution of the matter; and
- c) advise the person in writing of the decision.

### **Section 9 Revocation of a Permit**

An authorized officer may revoke a person's permit if:

- a) the circumstances that formed the basis of the approval of the person's application for the permit no longer exist;
- b) the person breaches a prescribed term of the permit, or another person required to comply with a condition of the permit has not met that condition;
- c) the presence of the person in Iraq is, or would be, a risk to the health, safety or good order of the Iraqi community; or
- d) the permit should not have been granted because the application for the permit was in contravention of the present Order or other applicable law.

### **Section 10 Identification and Seizure of Documents**

- 1) Persons shall comply with the instructions of an authorized officer regarding their identification a) if they seek entry into Iraq, b) if they make an application for the renewal of a permit, c) if they have been arrested, or d) if they are subject to deportation under this Order.
- 2) For the purpose of identification, an authorized officer may:
  - a) search persons who the authorized officer believes either have not revealed their identity or have hidden on or about their person documents that are relevant to a decision as to whether they may be granted permission to enter Iraq, and may search any vehicle that conveyed the persons to Iraq and their luggage and personal effects;
  - b) search persons who the authorized officer reasonably believes have committed an offense or are in possession of documents that may be used in the commission of an offense, and may search any vehicle that conveyed the person to Iraq and their luggage and personal effects;



- c) examine any travel document or any other document purporting to be a travel document at a port of entry or any other place in Iraq, for the purpose of this Order or relevant directives, examine any object that is, or is about to be, imported into or exported from Iraq.
- 3) An authorized officer may seize and hold at a port of entry or any other place in Iraq any object or document if the authorized officer reasonably deems this necessary for the discharge of the functions of the officer under this Order.
- 4) An authorized officer may seize and hold any object or document if the officer reasonably believes that it has been fraudulently or improperly obtained or used, or that such action is necessary to prevent its fraudulent or improper use.
- 5) An authorized officer shall provide a written receipt to any individual from whom he seizes an object or document under this Order.

### **Section 11 Search of a Person**

- 1) An authorized officer may, without a warrant, search a person who seeks entry to Iraq.
- 2) The search of a person must be made by an authorized officer pursuant to the present Order and must be made on reasonable grounds.
- 3) No person shall normally be searched by a person who is not of the same sex, and if there is no officer of the same sex at the place at which the search is to take place, an authorized officer may request that another border control or customs employee of the same sex perform the search, when necessary to comply with this provision.

### **Section 12 Search and Seizure of Goods**

- 1) An authorized officer may, without a warrant, search the vehicle, luggage or personal effects of any person who seeks entry into Iraq.
- 2) Persons crossing the borders of Iraq must make declarations or manifests of all goods being carried by the person available to an authorized officer on request.
- 3) An authorized officer shall confiscate any goods that may pose a threat to the peace, security, health, environment, or good order of Iraq, including Controlled Items. Authorized officers also shall confiscate any antiquities or cultural items suspected of being illegally exported.

- 4) The export or import of a Controlled Item shall require the prior written authorization of the Administrator, or his designee. Such prior written authorization requirement shall not apply to exports of Controlled Items by the CPA or Coalition personnel. Such prior written authorization requirement shall also not apply to exports of Controlled Items by Coalition contractors, as defined in Section 1(5) of CPA Order No. 16; provided, however, that the contractor must be exporting such Controlled Items in connection with the performance of its contract with the Coalition.
- 5) Goods that are not declared may be confiscated by an authorized officer. Persons may also be ordered to return such goods, at their expense, to the jurisdiction from which they came.
- 6) Any goods confiscated must be immediately handed over to the Ministry of the Interior or to his or her delegate(s), and a receipt must be issued to the person from whom the goods are confiscated.

### **Section 13 Offenses**

- 1) Allegations of an offense shall be subject to review and action, if appropriate, by an investigative judge of a customs court of Iraq or a criminal court of Iraq, as appropriate to the alleged offense.
- 2) The following shall constitute an offense under this Order:
  - a) failing to appear before an authorized officer for examination as required by this Order;
  - b) failing to answer truthfully all questions by an authorized officer during examination;
  - c) knowingly concealing documentation as may be required by the authorized officer during examination;
  - d) failing to make a declaration or manifest of all goods being carried by the person on request by an authorized officer;
  - e) failing to cooperate with a search of the person or search of the person's vehicle, luggage or personal effects pursuant to this Order;
  - f) knowingly making a false representation, orally or in writing, to an authorized officer for the purposes of securing entry of a person into Iraq;
  - g) entering Iraq or remaining in Iraq without a permit, if one is required;

- h) entering Iraq or remaining in Iraq by use of a false or improperly obtained travel document or other document pertaining to the entry of that person or by reason of any fraudulent or improper means or misrepresentation of any material fact;
- i) failing to comply with a prescribed term of a permit;
- j) escaping or attempting to escape from lawful custody or detention under the present Order and relevant directives;
- k) organizing or facilitating the entry or proposed entry into Iraq of a person, knowing the person would, upon entering Iraq, be guilty of an offense under this Section; or
- l) seeking to export or import, or exporting or importing Controlled Items without prior authorization issued pursuant to Section 12(4) of this Order.

#### **Section 14 Penalties**

A person who commits an offense described in this Order is liable to have any goods in his or her possession confiscated and may be deported from Iraq. The person may also be liable to a penalty prescribed in an applicable Iraqi law or CPA Order, Regulation or other directive.

#### **Section 15 Liability for Removal Costs**

- 1) A transportation company shall ensure that:
  - a) the persons it conveys to Iraq are in possession of all travel documents required by applicable law,
  - b) it presents each person to an authorized officer for examination at such place as may be designated by an authorized officer upon arrival of each one of its vehicles in Iraq, and
  - c) no other person leaves the vehicle i) at any place other than that designated by an authorized officer, or ii) until permission has been granted by an authorized officer.
- 2) Where a person has been allowed or required to leave Iraq pursuant to this Order, a transportation company that has conveyed the person to Iraq may be required by an authorized officer to cause that person to be conveyed to the country from which that

person came, or to such other country as the authorized officer may approve at the request of the company.

- 3) Where a person has been required to leave Iraq because at the time of the arrival in Iraq the person was not in possession of a valid travel document required by applicable law, a transportation company that has conveyed the person to Iraq shall be liable to pay all costs of conveying that person to the country from which that person came, or to such other country as an authorized officer may approve at the request of the company.
- 4) Where a person has been granted entry to Iraq, or where that person, at the time of arrival in Iraq, was in possession of a valid travel document, and where that person is required to leave Iraq pursuant to the present Order, a transportation company that has conveyed the person to Iraq and that is required to cause that person to be conveyed from Iraq is entitled to be reimbursed by the Ministry of the Interior for the costs of conveying that person from Iraq. However a transportation company shall not be reimbursed for the costs of conveying from Iraq a person who enters Iraq as, or to become, a member of a crew.
- 5) Where a person enters Iraq as, or to become, a member of a crew of a vehicle and ceases to be a visitor, the transportation company that operates that vehicle may be required to cause that person to be conveyed to the country from which that person came, or to such other country as the Ministry of the Interior may approve at the request of the company. The transportation company shall be liable to pay all costs of conveying that person from Iraq.

## **Section 16 Other Offenses**

- 1) Where an authorized officer has reasonable grounds to believe that a person who seeks entry to or exit from Iraq, or who seeks to remain in Iraq, is liable for an offense committed under applicable law in Iraq, other than an offense prescribed in this Order, the authorized officer shall report the matter immediately to security forces, who may take such action as they deem appropriate.
- 2) Where the circumstances of the case require, an authorized officer may arrest a person suspected of having committed an offense other than an offense prescribed in this Order. The arrest must be immediately reported to the Interim Minister of the Interior, and the arrested person must, as soon as possible but no later than six hours after the arrest, be delivered into the custody of security forces.

## **Section 17 Review**

- 1) A person against whom an adverse decision has been made by an authorized officer under this Order may apply in writing to the Ministry of the Interior for a review of the decision. Within seven days of receipt of the application, the Ministry of the Interior shall review the decision and notify the applicant of the determination.
- 2) A person whose goods have been confiscated may apply in writing, with a copy of the confiscation receipt attached, to the Ministry of Interior for a review of the decision. Within seven days of receipt of the application, the Ministry of Interior shall review the decision and notify the applicant of the determination.
- 3) The Ministry of Interior may issue Administrative Instructions in connection with such reviews.

### **Section 18 Entry into Force**

This Order shall enter into force on the date of signature.

 12/1/03

L. Paul Bremer, Administrator  
Coalition Provisional Authority